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APR 26 2006

Patent

Attorney Docket No.: AGP-32578(1) (formerly 362.017)

## CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being faxed to the U.S. Patent and Trademark Office at 571/273-8300, addressed to Examiner Marx on the date indicated below.

M. LauerDate: April 26, 2006No. Pages: 2**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors:	Thomas G. Rehberger, et al.	Art Unit:	1651
Serial No.:	10/624,443	Examiner:	Irene Marx
Filed:	July 22, 2003	Confirmation No.:	6437
For:	Lactobacillus Strains and Uses Therefor		

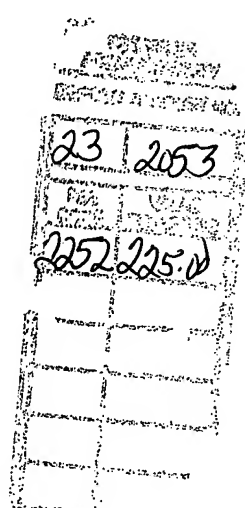
**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed January 26, 2006.

Remarks begin on page 2 of this paper.



Patent

Attorney Docket No.: AGP-32578(1) (formerly 362.017)

**REMARKS****Response to Restriction Requirement**

The claims have been restricted to three groups as follows:

Group I, claims 1-18 drawn to method of feeding specific *Lactobacillus* to an animal, classified in class 424, subclass 93.45, for example.

Group II, claims 19-35 drawn to *Lactobacillus* strains and compositions thereof classified in class 435, subclass 252.9, for example.

Group III, claims 36-39 drawn to process of producing a direct fed microbial by culturing *Lactobacillus* strains, classified in class 435, subclass 169, for example.

Applicants hereby elect the claims of Group II.

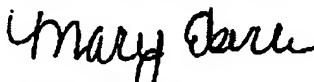
**CONCLUSION**

The Director is authorized to charge Deposit Account No. 23-2053 for the fee associated with a two-month extension, which the Applicants hereby request. No other fee is believed to be payable with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 23-2053.

The Examiner is respectfully requested to give early and favorable consideration to this Response, and then to allow the claims and forward the application to allowance.

Dated this 26<sup>th</sup> day of April, 2006.

Respectfully submitted,



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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/412,703
Filing Date	April 11, 2003
First Named Inventor	Jennifer Lynne REED
Art Unit	1644
Examiner Name	KIM, YUNSOO
Attorney Docket Number	IL400US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☒ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s) Declaration(s)

iv. ☒ Other Exhibits 1-14

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 500479. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e) = \$790.00

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) 2 Month ext. = \$ 450.00

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Michelle Holmes-Son</i>	Date	April 27, 2006
Name (Print/Type)	Michelle Holmes-Son	Registration No.	47,660

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	
Name (Print/Type)			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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